

Council Communication

Department: Community Development Case #PC-08-006 Applicant: All-Season Extreme, LLC Wedge Resorts, Joshua Schultz 400 North Main Street Lake Mills, WI 53551	Resolution No. <u>08-248</u>	Council Meeting: 8-25-08 Planning Commission: 8-12-08
Subject/Title Adopt the Planned Commercial Development Plan for the Wedge Action Sports Complex on Lot 2, Wedge Resort Subdivision, located along the west side of Mid-America Drive, south of 23 rd Avenue. The applicant intends to construct a year-round family entertainment sports facility including a 400-unit condominium/hotel with conference, banquet and restaurant space, day spa, retail sales and arcade. The sports components include a 120' tall, year-round, ski-snowboard facility, indoor aquatics, bmx/skate track and indoor/outdoor battery powered go-karts. Construction is expected to take twelve to eighteen months to complete. Planned commercial development plans are approved by City Council resolution after public hearing and recommendation by the Planning Commission		
Background/Discussion All-Season Extreme LLC (Wedge Resorts) intends to build the facilities described above on Lot 2 of Wedge Resorts Subdivision. This 12.87 acre lot was created through a replat of Bluffs Vision Commercial Subdivision, approved by City Council Resolution 08-223 on July 28, 2008. Concurrent with the replat, the Mid-America Loop right-of-way was vacated by Resolution No. 08-224. The 400 unit, twelve-story hotel and ski slope with water park will be about 235' above grade. The building façade will be composed of a concrete product designed to resemble large rocks on the ski-slope/water park and the lower levels of the hotel. Glass is between the 8' wide rock columns on the slope. The colors of the hotel façade are generally brown and shades of blue. Brick, rock or other types of finishes should be added to the lower portion of the hotel to enhance the building. The corner of the structure sits less than within 5' from the front property line. Parking lots are located 5' to 6' from the front property line. Both will need to be moved at least 10' back from that property line which may result in the loss of the 5' buffer on the west side of the buildings. The property to the north has a 15' wide green space along Mid-America Drive. Interior circulation was not well articulated. Pedestrian ways, particularly from the parking lots on the west side are not noted. Loading/unloading areas are not clearly identified. The project drainage report was submitted with the application. Underground storm water management facilities will be used to meet the storm water requirements. Public Works has reviewed the study and concurs with the recommendations. Any modifications to the drainage will require further review and approval. A soils report was not included. Public Works needs to confirm that the foundation system for the structures will not conflict with storm and sanitary sewers located along the perimeter and within the proposed development. A traffic study was developed for the area around the Mid-America Center in 2001, reviewed, and modified as needed with development opportunities. A copy has been given to the applicant's representative but the City has not received a study to consider the traffic generated by this project. The applicant must complete this study and after review by the Public Works Department install all recommended improvements at no cost to the City. Access to the facility must meet the alignments developed earlier. Standards require a 600' separation for access. Public Works recommends shifting the		

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south parking lot drive further south to align with the common property line across the street and removing the second parking lot access to better accommodate turn movements and help maintain level of service. Entry drive throat widths need adjustment. With slight modifications to the layout, the alignments can be made. Alternatives acceptable to Public Works need to be developed with the construction drawings. Access from 23rd Avenue is noted, with concern about the additional turning movements generated by this development at a location that is already underserved.

Utilities including sanitary sewer are available and of sufficient capacity to serve the proposed development. Sanitary sewer is located along the perimeter of the subdivision. The applicant's engineer needs to verify capacity of the proposed 8" private sewer relocated from Mid-America Loop in front of new buildings to support the 400 unit hotel as well as restaurant demand. MidAmerican Energy has underground facilities in the area. Any costs to relocate or extend facilities will be borne by the developer. A conduit system with a 15' wide easement is needed and shall be provided at no cost to MidAmerican. Clearances and access to all facilities must be maintained at all times. Qwest has buried cable in the utility easement in the vacated Mid-America Loop right-of-way. All costs to relocate the cable will be borne by the developer.

The Fire Marshal has reviewed the site layout which appears consistent with the requirements for access around the buildings. Detailed review and approval will coincide with the construction drawing submitted with the building permit application. Both the Fire Marshal and the Water Works are concerned about the adequacy of the 8" water service as proposed. A water main extension agreement is required. The applicant has contacted the Water Works to start the process. Sizing for hotel, restaurants, water park and irrigation will be considered as well as fire suppression measures. Fire hydrant placement is also part of the design and contract procedure.

Five hundred and seventy (570) parking stalls are shown. The stall sizes and drive aisles meet the parking regulations. One parking space is needed for each of the 400 guest rooms. Parking is also needed for visitors not staying at the hotel. Due to the diverse uses and mix of hotel guest and day use, it is difficult to analyze parking needs for the site. The applicant is seeking other parking options for the site. A complete parking analysis and alternatives will be needed prior to issuance of any building permit on the site. Additional parking for Quaker Steak and Lube will be available adjacent to the restaurant, which will help alleviate the parking difficulties on that lot. The existing driveway from 23rd Avenue, installed without City approval will be removed.

The Community Development Department has agreed to advise the Iowa Department of Transportation (IDOT) of all development within a defined area so they can assess potential impacts to the Interstate reconstruction project within the City. IDOT notes that this development does not appear to impact Interstate reconstruction. However, they are concerned that the content on the video signs is limited to on-premise messages for the resort and not sponsors and products. The applicant and IDOT are discussing the limitations.

The signage location plan is shown on Sheet C4.0 with examples of the proposed signage following. Two 45' tall video pole signs are shown. Each is 25' by 15' for 375 square feet per face. Two monument signs (2 design options) are shown at the intersection of 24th Avenue and Mid-America Drive and at the 23rd Avenue entrance. These signs are 15' tall and 20' long, or 300 square feet per face. Three designs for directionals are presented and shown at eight locations. Each is 8' tall and 4' wide for 32 square feet of sign area. These signs must all be located on-premise (Lot 2) and not in the row or Lot 1. Directionals are also shown on the same area as the 2 monument signs. Attached signage is shown on the north, south and east elevations of the building. Dimensions for the two on the narrow ends of the building are 20' by 40' or 800 square feet. The dimensions for the 3rd sign along the top of the hotel are not available. A 'jumbotron' video sign is proposed for the wall of the conference center.

The screen allows light to filter through the windows behind it. The dimensions were given as 70' by 15' or 1,050 square feet.

Recommendation

The Community Development Department recommends approval of the Planned Commercial Development plan for Lot 2 of Wedge Resorts Subdivision subject to the following conditions:

1. Submission of a traffic impact study for review and approval by the Public Works Department and incorporation of the findings into the site plan with costs borne by the developer.
2. All utilities shall be installed underground with cost borne by the developer. Streetlights shall be installed at locations approved by the Public Works Department. The dark bronze powder parking lot and site lighting fixtures (KAD/pole combo) as presented are acceptable. Photometrics will be reviewed with the permit inspections.
3. All required public improvements shall be installed at owner's expense and accepted by the City or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to complete the improvements not yet completed and/or certified and accepted by the Public Works Department. Public Works must review and approve the construction drawings and accept the opinion of probable construction costs. Acceptable bond for that amount shall be received prior to site grading and construction on the parcel.
4. The developer shall provide the City with two sets of as-built construction drawings and a two – year maintenance bond, upon acceptance of all required improvements.
5. Install fire hydrants, at developer's expense, to comply with the Water Works requirements and the Fire Safety Code.
6. The developer shall maintain all clearances from existing electric facilities and pay all costs associated with extending or relocating any facilities. Based upon the route determined by MidAmerican Energy, the developer shall install the conduit system and provide the appropriate easements.
7. Arrangements must be completed with the Council Bluffs Water Works to execute a Water Main Extension Agreement to design and install appropriately sized water service to comply with the life safety and fire codes.
8. Approve the building site layout as presented with the following exceptions:
 - a. A minimum of 10' of green space is required from the front property line rather than the 5' – 6' shown. (Revised plan shows the building 10' back, but not the parking.)
 - b. Reduce the area of the 'rocky' façade and add with some detail along the top of the hotel to soften the boxy straight lines.
9. The conceptual landscape plan, as shown on Sheet C-LSP is approved with the following comments:
 - a. All landscaped areas shall be included in a site irrigation system.
 - b. Additional plant material is needed around trash receptacles and the monument signs.
 - c. Trees shall be planted 35' apart along the 10' wide green space adjacent to Mid-America Drive.
 - d. All islands in the parking lots shall be included in the 'parking lot island' landscape area.
 - e. The final landscape plan shall be submitted with the building permit application, including specifics to include a complete listing of the species, size, location and quantities of all plant material along with the planting schedule.
 - f. All landscaping with the irrigation system, consistent with the approved plan shall be in place prior to issuance of the Certificate of Occupancy for the building.
10. Approval of the signage as presented with the following limitations:
 - a. Two monument signs of either design are permitted at the general locations shown on C4.0. They shall not exceed the maximum height of 10' from existing grade and 150 square feet per face. Monument sign area is calculated as the total structure.
 - b. One 45' tall video sign is permitted along Interstate right-of-way. The pole/poles shall be sheathed creating the appearance of a monument sign. Content shall be limited to on-premise use as required

by IDOT. Billboards (off-premise advertising) are not permitted.

c. On-premise directionals (any of the three proposed designs) may be sited at each entrance and for interior way finding, except directionals will not also be permitted at the same location as the two monument signs.

d. Final location for the detached signage must be reviewed to avoid conflict with traffic lanes and visibility.

e. Signage shall comply with all applicable city, state and federal regulations. The applicant or an authorized agent shall obtain all necessary sign permits with a particular need to address issues regarding content of the on-premise video signs.

11. Sidewalk built to City standards, including the appropriate drops and marked street crossings shall be installed at developer's expense along both the Mid-America Drive and 23rd Avenue street frontage prior to issuance of a Certificate of Occupancy for any building on the property.

12. Outside storage is not permitted. All loading/unloading areas will be screened and any trash enclosures shall be fully enclosed and gated. The enclosures shall be the same or complementary to the color of the building.

Public Hearing

Joshua Schultz appeared before the Planning Commission in favor of the request. No one appeared in opposition.

Planning Commission Recommendation

The Planning Commission recommends approval of the Planned Commercial Development Plan for Lot 2, Wedge Resorts Subdivision subject to the conditions listed in the staff report.

VOTE: Aye 9 Nay 0 Abstain 0 Absent 2 Motion Carried.

Attachments: Site & Utility improvements, Sheet C-LSP-Landscape Plan, Signage Plan - Sheet C4.0 with sign designs and Building Elevations and Sheet C.1.1 (as revised)

Represented by: Greenberg & Hoeschen LLC, 3127 W. Wisconsin Ave., Milwaukee WI 53208

Prepared by: Gayle M. Malmquist, Development Services Coordinator

RESOLUTION NO. 08-248

A RESOLUTION to adopt a Planned Commercial Development Plan for the Wedge Action Sports Complex on Lot 2, Wedge Resort Subdivision, located along the west side of Mid-America Drive, south of 23rd Avenue.

WHEREAS, All-Season Extreme, LLC (Wedge Resorts) is requesting adoption of a Planned Commercial Development Plan for the Wedge Action Sports Complex on Lot 2, Wedge Resort Subdivision; and

WHEREAS, the applicant intends to construct a year-round family entertainment sports facility, including a 400-unit condominium/hotel with conference, banquet and restaurant space, day spa, retail sales and arcade; and

WHEREAS, this 12.87 acre lot was created through a replat of Bluffs Vision Commercial Subdivision, approved by Resolution No. 08-223 on July 28, 2008. Concurrent with the replat, the Mid-America Loop right-of-way was vacated by Resolution No. 08-224; and

WHEREAS, the Community Development Department recommends approval of the Planned Commercial Development Plan for Lot 2 of Wedge Resorts Subdivision, subject to the following conditions:

1. Submission of a traffic impact study for review and approval by the Public Works Department and incorporation of the findings into the site plan with costs borne by the developer.
2. All utilities shall be installed underground with cost borne by the developer. Streetlights shall be installed at locations approved by the Public Works Department. The dark bronze powder parking lot and site lighting fixtures (KAD/pole combo) as presented are acceptable. Photometrics will be reviewed with the permit inspections.
3. All required public improvements shall be installed at owner's expense and accepted by the City, or the City shall be in receipt of a performance guarantee in an amount determined by the Public Works Department to be sufficient to complete the improvements not yet completed and/or certified and accepted by the Public Works Department. Public Works must review and approve the construction drawings and accept the opinion of probable construction costs. Acceptable bond for that amount shall be received prior to site grading and construction of the parcel.
4. The developer shall provide the City with two sets of as-built construction drawings and a two-year maintenance bond, upon acceptance of all required improvements.
5. Install fire hydrants, at developer's expense, to comply with the Water Works requirements and the Fire Safety Code.
6. The developer shall maintain all clearances from existing electric facilities

and pay all costs associated with extending or relocating any facilities. Based upon the route determined by MidAmerican Energy, the developer shall install the conduit system and provide the appropriate easements.

7. Arrangements must be completed with the Council Bluffs Water Works to execute a Water Main Extension Agreement to design and install appropriately sized water service to comply with the life safety and fire codes.

8. Approve the building site layout as presented with the following exceptions:

a. A minimum of 10' of green space is required from the front property line rather than the 5'-6' shown.

b. Reduce the area of the "rocky" façade and add with some detail along the top of the hotel to soften the boxy straight lines.

9. The conceptual landscape plan, as shown on Sheet C-LSP is approved with the following comments:

a. All landscaped areas shall be included in a site irrigation system.

b. Additional plant material is needed around trash receptacles and the monument signs.

c. Trees shall be planted 35' apart along the 10' wide green space adjacent to Mid-America Drive.

d. All islands in the parking lots shall be included in the "parking lot island" landscape area.

e. The final landscape plan shall be submitted with the building permit application, including specifics to include a complete listing of the species, size, location and quantities of all plant material along with the planting schedule.

f. All landscaping with the irrigation system consistent with the approved plan shall be in place prior to issuance of the Certificate of Occupancy for the building.

10. Approval of the signage as presented, with the following limitations:

a. Two monument signs of either design are permitted at the general locations shown on C4.0. They shall not exceed the maximum height of 10' from existing grade and 150 square feet per face. Monument sign area is calculated as the total structure.

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permits with a particular need to address issues regarding content of the on-premise video signs.

11. Sidewalk built to City standards, including the appropriate drops and marked street crossings shall be installed at developer's expense along both the Mid-America Drive and 23rd Avenue street frontage prior to issuance of a Certificate of Occupancy for any building on the property.
12. Outside storage is not permitted. All loading/unloading areas will be screened and any trash enclosures shall be fully enclosed and gated. The enclosures shall be the same or complementary to the color of the building.

WHEREAS, the Planning Commission concurs with the Community Development Department recommendation.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA:

That the Planned Commercial Development Plan for Lot 2 of Wedge Resorts Subdivision is hereby approved, subject to the conditions set forth above.

ADOPTED
AND
APPROVED August 25, 2008

THOMAS P. HANAFAN Mayor

Attest:

JUDITH RIDGELEY City Clerk



EXISTING VIDEO SIGN

EXISTING PROPERTY LINE, TYP.

EXISTING EDGE OF PAVEMENT
FROM AERIAL PHOTOGRAPHY

INTERSTATE 29

ARCADIA

RETAIL



PROPOSED VIDEO SIGN

OUTDOOR
WATERPARK

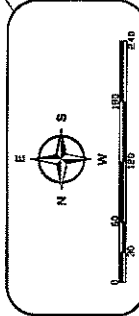
RESTAURANT

CONFERENCE
CENTER

GO-KARTS &
SKATE/BMX PARK

PROPOSED SIGN
MONUMENT

23RD AVE



SIGN LOCATION PLAN
WEDGE RESORT

City of Council Bluffs
Pottawattamie County, IA

DATE	BY	CHKD

GENERAL
ENGINEERING COMPANY

2301 JULY 15, 2000
BY: JAL
CHKD: JAL

2301 JULY 15, 2000
BY: JAL
CHKD: JAL

C4.0

Complete Set of Drawings for

Wedge Resort available

At the City Clerk's Office

Council Communication
August 25, 2008 City Council Meeting

Department: Community Development	Ordinance No.: Resolution No.: <u>08-251</u>	Council Action: <u>08/25/2008</u>
Case/Project No.: URN-08-002		
Subject/Title		
Proposed Mid-America Center Urban Renewal Plan Amendment No. 3		
Location		
Interstates 80/29 and Nebraska Avenue to South 35 th Street, south to an area south of 23 rd Avenue from the east line of Doll Distributing to South 21 st Street		
Background/Discussion		
<u>Background</u> The Mid-America Center Urban Renewal Plan was approved in May of 2001 with the adoption of Resolution 01-140. It was originally prepared to allow the use of tax increment financing for public improvements associated with the development of the Mid-America Center. Subsequently, Resolution 04-11, adopted in January of 2004 approved Amendment No. 1 to this plan. Amendment No. 1 was intended to facilitate urban renewal assistance to the Bass Pro Shops. Amendment No. 2, adopted by Resolution 06-276 in October of 2006, added additional land to the urban renewal area to assist the City in recovering its public infrastructure and facility investment costs which serve both the Mid-America Center and Horseshoe Casino. It is now necessary to consider adoption of Amendment No. 3 to the plan and area because the City has determined that additional proposed project area activities are possible. Land will be added to the east of the amended MAC Urban Renewal Area and the effective term of the Plan will also be eliminated. Concurrent to the adoption of Amendment No. 3, the City intends to modify the existing tax increment financing regime to include the additional area added to the amended urban renewal plan and area.		
<u>Discussion</u> The first step in amending the MAC Urban Renewal Project Area is the adoption of a resolution of necessity. This resolution will cause several actions. These actions include directing staff to amend the urban renewal plan, establishing a date for consultation with other taxing jurisdictions, City Planning Commission hearing and review, setting a date for City Council public hearing and other appropriate legal notices. A resolution prepared by Ahlers & Cooney, P.C., which calls for these activities, has been prepared and is attached for your review and consideration. This resolution establishes the following timeframe: 9-3-08 Consultation meeting to be held with other taxing jurisdictions 9-9-08 City Planning Commission hearing and review 9-22-08 City Council public hearing on the amended urban renewal plan		
Staff Recommendation		
Staff recommends City Council adopt the resolution of necessity directing staff to amend the Plan, set the dates for a consultation and public hearing on the MAC Urban Renewal Plan and Area – Amendment No. 3.		
Attachments		
Resolution of Necessity is attached and Amendment No. 3 is being provided under separate cover.		

Submitted by: Brenda Carrico, Program Coordinator, Community Development Department
Approved by: Donald D. Gross, Director, Community Development Department

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(This Notice to be posted)

RESOLUTION NO. 08-251

NOTICE AND CALL OF PUBLIC MEETING

Governmental Body: The City Council of Council Bluffs, Iowa.
Date of Meeting: August 25, 2008.
Time of Meeting: 7 o'clock P.M.
Place of Meeting: Council Chambers, City Hall, 209 Pearl Street,
 Council Bluffs, Iowa.

PUBLIC NOTICE IS HEREBY GIVEN that the above mentioned governmental body will meet at the date, time and place above set out. The tentative agenda for said meeting is as follows:

- X Resolution setting dates of a consultation and a public hearing on proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) for the City of Council Bluffs, Iowa.

Such additional matters as are set forth on the additional _____ page(s) attached hereto.
(number)

This notice is given at the direction of the Mayor pursuant to Chapter 21, Code of Iowa, and the local rules of said governmental body.

Judith H. Ridgeley, City Clerk

August 25, 2008

The City Council of Council Bluffs, Iowa, met in regular session, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa, at 7 o'clock P.M., on the above date. There were present Mayor Thomas P. Hanafan, in the chair, and the following named Council Members:

Absent: _____

* * * * *

Council Member _____ introduced the following Resolution entitled "RESOLUTION SETTING DATES OF A CONSULTATION AND A PUBLIC HEARING ON PROPOSED AMENDMENT NO. 3 TO THE MID-AMERICA CENTER (MAC) URBAN RENEWAL PLAN (F/K/A MARCC URBAN RENEWAL AREA) FOR THE CITY OF COUNCIL BLUFFS, IOWA," and moved that the same be adopted. Council Member _____ seconded the motion to adopt. The roll was called and the vote was,

AYES: _____

NAYS: _____

Whereupon, the Mayor declared the Resolution duly adopted as follows:

RESOLUTION NO. 08-251

**RESOLUTION SETTING DATES OF A CONSULTATION
AND A PUBLIC HEARING ON PROPOSED
AMENDMENT NO. 3 TO THE MID-AMERICA CENTER
(MAC) URBAN RENEWAL PLAN FOR THE CITY OF
COUNCIL BLUFFS, IOWA**

WHEREAS, by Resolution No. 04-140, adopted May 21, 2001, this Council found and determined that certain areas located within the City are eligible and should be designated as an urban renewal area under Iowa law, and approved and adopted the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) (the "Plan") for the Mid-America Center (MAC) Urban Renewal Plan Area (f/k/a MARCC Urban Renewal Area) (the "Mid-America Center (MAC) Urban Renewal Area") described therein, which Plan is on file in the office of the Recorder of Pottawattamie County; and

WHEREAS, by Resolution 04-11, adopted January 26, 2004, this Council adopted Amendment No. 1 to the Plan; and

WHEREAS, by Resolution No. 06-276, adopted October 23, 2006, this Council adopted Amendment No. 2 to the Plan; and

WHEREAS, the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) currently includes and consists of:

ORIGINAL PROJECT AREA

A parcel of land being a portion of the West Half (W1/2) and a portion of the West Half of the East Half (W1/2 E1/2) of Section 3, and a portion of the North Half (N1/2) of Section 4, all in Township 74 North, Range 44 West of the Fifth Principal Meridian, City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the west quarter corner of said Section 3;

thence along the west line of said Section 3, North 0 degrees 00 minutes 00 seconds East, 40.02 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 340.05 feet;

thence continuing along said northerly right-of-way line, North 75 degrees 58 minutes 12 seconds East, 37.20 feet to a point on the westerly right-of-way line of 35th Street Diagonal;

thence along said westerly right-of-way line, North 22 degrees 16 minutes 44 seconds West, 37.20 feet;

thence continuing along said westerly right-of-way line, North 36 degrees 47 minutes 45 seconds West, 173.00 feet;

thence South 53 degrees 12 minutes 15 seconds West, 289.12 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, North 88 degrees 23 minutes 25 seconds West, 26.77 feet;

thence continuing along said northerly right-of-way line, North 88 degrees 08 minutes 44 seconds West, 40.27 feet;

thence North 0 degrees 02 minutes 37 seconds West, 7.93 feet;

thence North 36 degrees 47 minutes 45 seconds West, 11.87 feet;

thence North 53 degrees 12 minutes 15 seconds East, 326.50 feet to a point on the southwesterly right-of-way line of said 35th Street Diagonal;

thence along said 35th Street Diagonal, North 36 degrees 47 minutes 45 seconds West, 1307.28 feet to a point on the southeasterly right-of-way line of Nebraska Avenue;

thence along said southeasterly right-of-way line, South 53 degrees 12 minutes 15 seconds West, 750.00 feet;

thence North 36 degrees 47 minutes 45 seconds West, 100.00 feet;

thence parallel with said southeasterly right-of-way line and along the northwesterly right-of-way line of Nebraska Avenue, North 53 degrees 12 minutes 15 seconds East, 830.00 feet to a point on the northeasterly right-of-way line of said 35th Street Diagonal;

thence along said northeasterly right-of-way line, South 36 degrees 47 minutes 45 seconds East, 1581.05 feet to the beginning of a curve, concave northeasterly, having a radius of 480.82 feet;

thence continuing southeasterly along said northeasterly right-of-way line and along said curve, through a central angle of

51 degrees 35 minutes 40 seconds, 432.97 feet to a point on the northerly right-of-way line of 23rd Avenue;

thence along said northerly right-of-way line, South 88 degrees 23 minutes 25 seconds East, 2087.72 feet to the intersection with the northerly prolongation of the easterly line of a parcel of land conveyed by Joseph B. Katelman and Jeanette Katelman to Iowa Power and Light Company, by Warranty Deed recorded in Book 1497, Page 206 Records of the Pottawattamie County Recorder;

thence along said northerly prolongation and along said easterly line, South 0 degrees 39 minutes 35 seconds West, 370.00 feet to the southeast corner of said conveyed parcel;

thence South 88 degrees 23 minutes 26 seconds East, 82.58 feet;

thence South 0 degrees 47 minutes 48 seconds West, 1272.00 feet;

thence North 88 degrees 23 minutes 26 seconds West, 279.54 feet to the intersection with the north-south centerline of said Section 3;

thence along said north-south centerline, South 0 degrees 39 minutes 35 seconds West, 879.85 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following seven (7) courses:

- 1) North 88 degrees 39 minutes 00 seconds West, 379.74 feet;
- 2) North 65 degrees 50 minutes 40 seconds West, 323.86 feet;
- 3) North 88 degrees 09 minutes 40 seconds West, 441.03 feet;
- 4) North 52 degrees 46 minutes 05 seconds West, 615.62 feet;
- 5) North 44 degrees 44 minutes 50 seconds West, 507.81 feet;

- 6) North 42 degrees 29 minutes 15 seconds West, 445.31 feet;
- 7) North 43 degrees 22 minutes 01 second West, 490.44 feet to the most southerly corner of the Doll Distributing parcel;

thence along the easterly line of said Doll Distributing parcel and along the northerly prolongation of said easterly line, North 0 degrees 00 minutes 45 seconds East, 981.95 feet to the Point of Beginning.

AMENDMENT NO. 1

Amendment No. 1 added no new land.

AMENDMENT NO. 2 AREA

A PARCEL OF LAND LOCATED IN THE WEST HALF OF THE SOUTHEAST QUARTER (W1/2 SE1/4) OF SECTION 3, TOWNSHIP 74 NORTH, RANGE 44 WEST OF THE 5th PRINCIPAL MERIDIAN, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER OF SAID SECTION 3;

THENCE ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER, SOUTH 00 DEGREES 39 MINUTES 35 SECONDS WEST, 1552.04 FEET TO THE TRUE POINT OF BEGINNING:

THENCE SOUTH 88 DEGREES 23 MINUTES 26 SECONDS EAST, 279.66 FEET;

THENCE NORTH 00 DEGREES 47 MINUTES 48 SECONDS EAST, 1222.00 FEET;

THENCE NORTH 88 DEGREES 23 MINUTES 26 SECONDS WEST, ALONG A LINE 330.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF SAID

SOUTHEAST QUARTER (SE1/4) OF SECTION 3, A
DISTANCE OF 82.58 FEET:

THENCE NORTH 00 DEGREES 39 MINUTES 35
SECONDS EAST, ALONG A LINE 200.00 FEET EAST OF
AND PARALLEL TO THE WEST LINE OF SAID
SOUTHEAST QUARTER (SE1/4) SECTION 3, A
DISTANCE OF 290.00 FEET:

THENCE SOUTH 88 DEGREES 23 MINUTES 26
SECONDS EAST, ALONG A LINE 40.00 FEET SOUTH
OF AND PARALLEL TO THE NORTH LINE OF SAID
SOUTHEAST QUARTER (SE1/4) SECTION 3, A
DISTANCE OF 1117.97 FEET:

THENCE SOUTH 00 DEGREES 39 MINUTES 48
SECONDS WEST, A DISTANCE OF 2435.39 FEET TO A
POINT THAT IS 165.00 FEET NORTH OF AND 1317.73
FEET EAST OF THE SOUTH QUARTER CORNER OF
SAID SECTION 3;

THENCE NORTH 88 DEGREES 40 MINUTES 24
SECONDS WEST, ALONG A LINE 165.00 FEET NORTH
OF AND PARALLEL TO THE SOUTH LINE OF SAID
SOUTHEAST QUARTER (SE1/4) SECTION 3, A
DISTANCE OF 1317.73 FEET TO THE WEST LINE OF
SAID SOUTHEAST QUARTER (SE1/4) SECTION 3;

THENCE NORTH 00 DEGREES 39 MINUTES 35
SECONDS EAST, ALONG SAID WEST LINE OF THE
SOUTHEAST QUARTER (SE 1/4) SECTION 3, A
DISTANCE OF 929.85 FEET TO THE POINT OF
BEGINNING AND INCLUDING THE ABUTTING RIGHT-
OF-WAY ON THE SOUTH.

SAID PARCEL CONTAINS AN AREA OF 69.5 ACRES,
MORE OR LESS.

WHEREAS, the proposed urban renewal area may include land classified as
agricultural land and, if so, written permission of the current owners is required; and

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said Plan;

WHEREAS, City staff has caused there to be prepared a form of Amendment No. 3 to the Plan, a copy of which has been placed on file for public inspection in the office of the City Clerk and which is incorporated herein by reference, the purpose of which is to identify project activities not specifically identified in the existing Plan, modify the effective term of the Plan and to set forth and include within the Plan additional land, as follows:

A parcel of land being a portion of the East Half of the Southeast Quarter (E1/2 SE1/4) and a portion of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 3, Township 74 North, Range 44 West of the Fifth Principal Meridian and Blocks 11 thru 18, 39 thru 46, 67 thru 74, 95 thru 98, Railroad Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the east quarter corner of said Section 3;

thence along the North line of said Railroad Addition, South 89 degrees 07 minutes 44 seconds East, 1,374.81 feet to a point on the northerly prolongation of the east right-of-way line of South 21st Street;

thence along said northerly prolongation and along said east right-of-way line, South 0 degrees 33 minutes 10 seconds West, 2,475.09 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following 11 courses:

- 1) North 89 degrees 07 minutes 41 seconds West, 386.61 feet
- 2) North 67 degrees 41 minutes 30 seconds West, 793.02 feet

- 3) North 89 degrees 27 minutes 04 seconds West, 169.64 feet
- 4) South 0 degrees 32 minutes 56 seconds West, 25.26 feet
- 5) North 89 degrees 07 minutes 47 seconds West, 82.00 feet
- 6) North 0 degrees 33 minutes 51 seconds East, 28.13 feet
- 7) South 73 degrees 40 minutes 23 seconds West, 543.90 feet
- 8) South 38 degrees 36 minutes 51 seconds West, 52.25 feet
- 9) South 73 degrees 40 minutes 36 seconds West, 158.89 feet to the beginning of a curve, concave northwesterly, having a radius of 750.43 feet;
- 10) southwesterly along said curve, through a central angle of 18 degrees 02 minutes 04 seconds, 236.21 feet;
- 11) North 88 degrees 16 minutes 36 seconds West, 371.78 feet to a point on the west line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said West line, North 0 degrees 39 minutes 48 seconds East, 2,435.39 feet to a point on the South right-of-way line of 23rd Avenue;

thence along said south right-of-way line, North 88 degrees 22 minutes 15 seconds West, 1,117.36 feet;

thence North 0 degrees 39 minutes 35 seconds East, 80.18 feet to a point on the North right-of-way line of said 23rd Avenue;

thence along said north right-of-way line, South 88 degrees 23 minutes 25 seconds East, 1,793.57 feet to the beginning of curve, concave southwesterly, having a radius of 568.05 feet;

thence continuing along said north right-of-way line and along said curve, through a central angle of 22 degrees 41 minutes 01 second, 225.39 feet to a point on the North line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said North line, South 89 degrees 08 minutes 00 seconds East, 409.82 feet to the Point of Beginning;

said parcel contains an area of 148 acres, more or less.

WHEREAS, the Iowa statutes require the City Council to submit the proposed Amendment No. 3 to the Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the City as a whole prior to City Council approval of such Amendment, and further provides that the Planning and Zoning Commission shall submit its written recommendations thereon to this Council within thirty (30) days of its receipt of such proposed Amendment; and

WHEREAS, the Iowa statutes further require the City Council to notify all affected taxing entities of the consideration being given to the proposed Amendment to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) and to hold a consultation with such taxing entities with respect thereto, and further provides that the designated representative of each affected taxing entity may attend the consultation and make written recommendations for modifications to the proposed division of revenue included as a part thereof, to which the City shall submit written responses as provided in Section 403.5, as amended; and

WHEREAS, the Iowa statutes further require the City Council to hold a public hearing on the proposed Amendment to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) subsequent to notice thereof by publication in a newspaper having a general circulation within the City, which notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the urban renewal plan and shall outline the general scope of the urban renewal project under consideration, with a copy of said notice also being mailed to each affected taxing entity.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA:

Section 1. That the consultation on the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) required by Section 403.5(2) of the Code of Iowa, as amended, shall be held on the 3rd day of September, 2008, in the Community Development Department Conference Room, 403 Willow Avenue, Council Bluffs, Iowa at 10 o'clock A.M., and the Designated Representative is hereby appointed to serve the City for purposes of conducting said consultation, receiving any recommendations that may be made with respect thereto and responding to the same in accordance with Section 403.5(2).

Section 2. That the City Clerk is authorized and directed to cause a notice of said consultation to be sent by regular mail to all affected taxing entities, as defined in Section 403.17(1), along with a copy of the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan), said notice to be in substantially the following form:

NOTICE OF A CONSULTATION TO BE HELD
BETWEEN THE CITY OF COUNCIL BLUFFS, IOWA
AND ALL AFFECTED TAXING ENTITIES
CONCERNING THE PROPOSED AMENDMENT NO. 3
TO THE MID-AMERICA CENTER (MAC) URBAN
RENEWAL PLAN (F/K/A MARCC URBAN RENEWAL
PLAN) FOR THE CITY OF COUNCIL BLUFFS, IOWA

The City of Council Bluffs, Iowa will hold a consultation with all affected taxing entities, as defined in Section 403.17(1) of the Code of Iowa, as amended, commencing at 10 o'clock A.M. on 3rd day of September, 2008, in the Community Development Department Conference Room, 403 Willow Avenue, Council Bluffs, Iowa concerning a proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan), a copy of which is attached hereto.

Each affected taxing entity may appoint a representative to attend the consultation. The consultation may include a discussion of the estimated growth in valuation of taxable property included in the Urban Renewal Area, the fiscal impact of the division of revenue on the affected taxing entities, the estimated impact on the provision of services by each of the affected taxing entities in the Urban Renewal Area, and the duration of any bond issuance included in said Plan.

The designated representative of any affected taxing entity may make written recommendations for modifications to the proposed division of revenue no later than seven days following the date of the consultation. The Designated Representative of the City of Council Bluffs shall submit a written response to the affected taxing entity, no later than seven days prior to the public hearing on the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan), addressing any recommendations made by that entity for modification to the proposed division of revenue.

This notice is given by order of the City Council of the City of Council Bluffs, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Dated this 26th day of August, 2008.

Judith H. Ridgeley, City Clerk

(END OF NOTICE)

Section 3. That a public hearing shall be held on the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) before the City Council at its meeting which commences at 7 o'clock P.M. on September 22, 2008, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.

Section 4. That the City Clerk is authorized and directed to publish notice of this public hearing in the "Daily Nonpareil", once on a date not less than four (4) nor more than twenty (20) days before the date of said public hearing, and to mail a copy of said notice by ordinary mail to each affected taxing entity, such notice in each case to be in substantially the following form:

(One publication required)

NOTICE OF PUBLIC HEARING TO CONSIDER
APPROVAL OF THE PROPOSED AMENDMENT NO. 3
TO THE MID-AMERICA CENTER (MAC) URBAN
RENEWAL PLAN (F/K/A MARCC URBAN RENEWAL
PLAN) FOR THE CITY OF COUNCIL BLUFFS, IOWA

The City Council of the City of Council Bluffs, Iowa, will hold a public hearing before itself at its meeting which commences at 7 o'clock P.M. on September 22, 2008, in the Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa to consider adoption of proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) (the "Plan") concerning an area in Council Bluffs, Iowa.

A copy of Amendment No. 3 to the Plan is on file for public inspection in the office of the City Clerk, Council Chambers, City Hall, 209 Pearl Street, Council Bluffs, Iowa.

The City of Council Bluffs, Iowa is the local public agency which, if such Amendment No. 3 to the Plan is approved, shall undertake the urban renewal activities described in such Plan and Amendment.

The general scope of the urban renewal activities under consideration in the Plan is to assist qualified industries and businesses in the Urban Renewal Area through various public purpose and special financing activities outlined in the Plan. To accomplish the objectives of the Plan, and to encourage the further development of the Urban Renewal Area, the Plan provides that such special financing activities may include, but not be limited to, the making of loans or grants of public funds to private entities under Chapter 15A of the Code of Iowa. The City exercising its power pursuant to Iowa Code Section 403.19 and Iowa Code Chapter 423B to use a designated amount of the increased local sales and services tax revenues collected under Chapter 423B which are attributable to retail establishments in an urban renewal area to fund urban renewal projects located in the area. This designated amount may be all or a portion of such increased revenues. The City also may install, construct and reconstruct streets, parking facilities, open space areas and other substantial public improvements, and may acquire and make land available for development or redevelopment by private enterprise as authorized by law. The Plan provides that the City may issue bonds or use available funds for such purposes and that tax increment reimbursement of such costs will be sought if and to the extent incurred by the City. The Plan initially proposes specific public infrastructure or site improvements to

be undertaken by the City, but provides that the Plan may be amended from time to time to respond to development opportunities.

The proposed Amendment No. 3 to the Plan would identify project activities not specifically identified in the existing Plan, modify the effective term of the Plan and set forth and include within the Plan additional land, as follows:

A parcel of land being a portion of the East Half of the Southeast Quarter (E1/2 SE1/4) and a portion of the South Half of the Northeast Quarter (S1/2 NE1/4) of Section 3, Township 74 North, Range 44 West of the Fifth Principal Meridian and Blocks 11 thru 18, 39 thru 46, 67 thru 74, 95 thru 98, Railroad Addition, all in the City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the east quarter corner of said Section 3;

thence along the North line of said Railroad Addition, South 89 degrees 07 minutes 44 seconds East, 1,374.81 feet to a point on the northerly prolongation of the east right-of-way line of South 21st Street;

thence along said northerly prolongation and along said east right-of-way line, South 0 degrees 33 minutes 10 seconds West, 2,475.09 feet to a point on the northerly right-of-way line of Interstate Highways 29 and 80;

thence along said Interstate right-of-way line, the following 11 courses:

- 1) North 89 degrees 07 minutes 41 seconds West, 386.61 feet
- 2) North 67 degrees 41 minutes 30 seconds West, 793.02 feet
- 3) North 89 degrees 27 minutes 04 seconds West, 169.64 feet

- 4) South 0 degrees 32 minutes 56 seconds West, 25.26 feet
- 5) North 89 degrees 07 minutes 47 seconds West, 82.00 feet
- 6) North 0 degrees 33 minutes 51 seconds East, 28.13 feet
- 7) South 73 degrees 40 minutes 23 seconds West, 543.90 feet
- 8) South 38 degrees 36 minutes 51 seconds West, 52.25 feet
- 9) South 73 degrees 40 minutes 36 seconds West, 158.89 feet to the beginning of a curve, concave northwesterly, having a radius of 750.43 feet;
- 10) southwesterly along said curve, through a central angle of 18 degrees 02 minutes 04 seconds, 236.21 feet;
- 11) North 88 degrees 16 minutes 36 seconds West, 371.78 feet to a point on the west line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said West line, North 0 degrees 39 minutes 48 seconds East, 2,435.39 feet to a point on the South right-of-way line of 23rd Avenue;

thence along said south right-of-way line, North 88 degrees 22 minutes 15 seconds West, 1,117.36 feet;

thence North 0 degrees 39 minutes 35 seconds East, 80.18 feet to a point on the North right-of-way line of said 23rd Avenue;

thence along said north right-of-way line, South 88 degrees 23 minutes 25 seconds East, 1,793.57 feet to the beginning of curve, concave southwesterly, having a radius of 568.05 feet;

thence continuing along said north right-of-way line and along said curve, through a central angle of 22 degrees 41 minutes 01 second, 225.39 feet to a point on the North line of said East Half of the Southeast Quarter (E1/2 SE1/4) of said Section 3;

thence along said North line, South 89 degrees 08 minutes 00 seconds East, 409.82 feet to the Point of Beginning;

said parcel contains an area of 148 acres, more or less.

All other provisions of the Plan would remain in full force and effect.

This Notice is given by order of the City Council of Council Bluffs, Iowa, as provided by Section 403.5 of the Code of Iowa, as amended.

Any person or organization desiring to be heard shall be afforded an opportunity to be heard at such hearing.

Dated this 8th day of September, 2008.

Judith H. Ridgeley, City Clerk

Section 5. That the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area), now before this Council, for the Mid-America Center (MAC) Urban Renewal Area (f/k/a MARCC Urban Renewal Area) described herein is hereby officially declared to be the proposed Amendment No. 3 to the Plan referred to in said notices for purposes of such consultation and hearing and that a copy of said Amendment No. 3 to the Plan shall be placed on file in the office of the City Clerk.

Section 6. That the proposed Amendment No. 3 to the Mid-America Center (MAC) Urban Renewal Plan (f/k/a MARCC Urban Renewal Plan) be submitted to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for the development of the City as a whole, with such recommendation to be submitted in writing to this Council within 30 days of the date hereof.

PASSED AND APPROVED this 25th day of August, 2008.

Thomas P. Hanafan, Mayor

ATTEST:

Judith H. Ridgeley, City Clerk

DLILLEBO\588996.1\WP10342.086

STATE OF IOWA)
) SS
COUNTY OF POTTAWATTAMIE)

I, the undersigned City Clerk of Council Bluffs, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipality showing proceedings of the Council, and the same is a true and complete copy of the action taken by said Council with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held in accordance with a notice of meeting and tentative agenda, a copy of which was timely served on each member of the Council and posted on a bulletin board or other prominent place easily accessible to the public and clearly designated for that purpose at the principal office of the Council (a copy of the face sheet of said agenda being attached hereto) pursuant to the local rules of the Council and the provisions of Chapter 21, Code of Iowa, upon reasonable advance notice to the public and media at least twenty-four hours prior to the commencement of the meeting as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective city offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Municipality hereto affixed this _____ day of _____, 2008.

Judith H. Ridgeley, City Clerk

SEAL

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY09-05C
Applicant _____

Ordinance No. _____
Resolution No. 08-252

Date: August 25, 2008

SUBJECT/TITLE

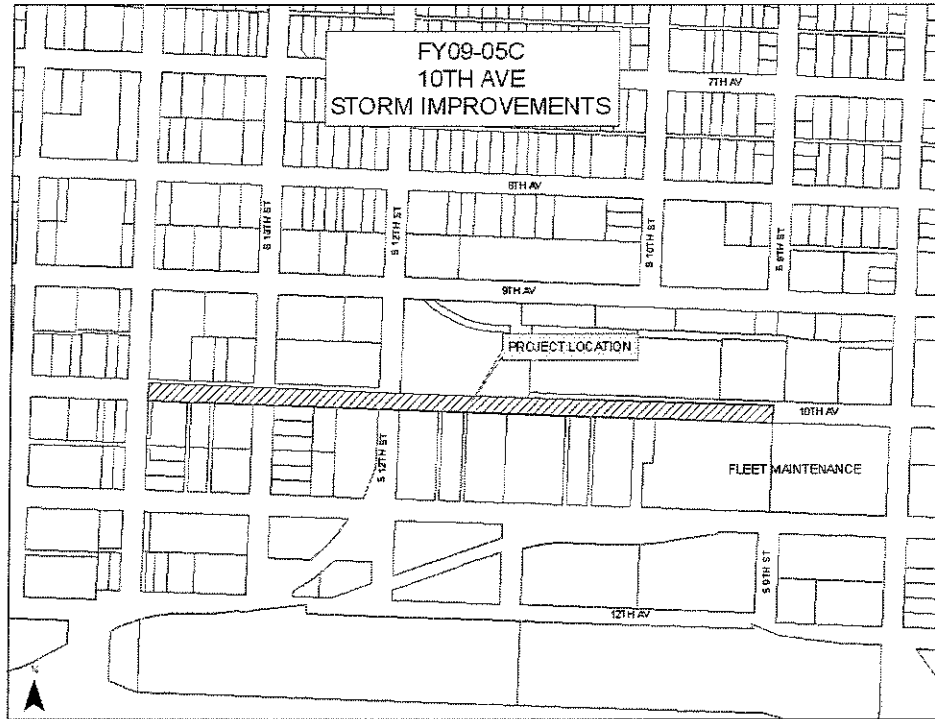
Council consideration of a resolution accepting the work of MFT Construction as complete and authorizing release of the retainage after 30 days if no claims are filed in connection with the 10th Avenue Storm Sewer Improvements.

BACKGROUND/DISCUSSION

- The city is proposing to construct a new fleet maintenance facility on 10th Avenue near 9th Street. This location is a part of the city owned property which extends from 8th Street to 12th Street between 11th Avenue and 10th Avenue. The site has been masterplanned for the eventual relocation of all public works facilities to this location. Currently the existing old CO-OP building is occupied by pump station maintenance division and the Parks Department's building maintenance division.
- There was no storm sewer in 10th Avenue and drainage in the area was very poor.
- This project involved construction of a storm sewer in 10th Avenue from Indian Creek to 9th Street.
- The project also included a water main extension. The site currently was not served by existing water main.
- This project was in coordination with the proposed new fleet maintenance facility. The construction of the fleet building is scheduled to be completed in the spring of 2009.
- This was project FY09-05C in the CIP and had a budget of \$500,000 in sales tax funds.

	<u>Division I</u> <u>General</u>	<u>Division II</u> <u>Pavement</u>	<u>Division III</u> <u>Storm Sewer</u>	<u>Division IV</u> <u>Sanitary Sewer</u>	<u>Division V-A</u> <u>City Water Main</u>	<u>Division V-B</u> <u>Water Works</u>	<u>Total</u>
• Original contract amount	\$36,718.30	\$ 0	\$191,707.73	\$11,304.80	\$45,570.43	\$64,950.16	\$350,251.42
Change Orders	(\$11,345.99)	\$3,457.20	\$ 9,928.29	(\$ 4,322.62)	(\$ 390.49)	(\$ 8,399.47)	(\$ 11,073.08)
Final contract amount	\$25,372.31	\$3,457.20	\$201,636.02	\$ 6,982.18	\$45,179.94	\$56,550.69	\$339,178.34
Less previous payments	(\$24,103.69)	(\$3,284.34)	(\$191,554.22)	(\$ 6,633.07)	(\$42,920.94)	(\$53,723.16)	(\$322,219.42)
Retainage due contractor	\$ 1,268.62	\$ 172.86	\$ 10,081.80	\$ 349.11	\$ 2,259.00	\$ 2,827.53	\$ 16,958.92

6E



RECOMMENDATION

Approval of the resolution

RESOLUTION

NO. 08-252

**RESOLUTION ACCEPTING THE WORK OF
MFT CONSTRUCTION IN CONNECTION WITH
THE 10TH AVENUE STORM SEWER IMPROVEMENTS
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE
A CITY CHECK IN THE AMOUNT OF \$16,958.92
FY09-05C**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with MFT Construction, Council Bluffs, IA for the 10th Avenue Storm Sewer Improvements; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the City clerk; and
- WHEREAS, a request for final payment in the amount of \$16,958.92 to MFT Construction has submitted to the city council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$16,958.92 constitutes a valid obligation of the City and should in its best interest be paid.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That said report of the engineer is hereby approved and adopted, and said improvements are hereby accepted as having been fully completed in accordance with said plans and specifications.

AND BE IT FURTHER RESOLVED

That the finance director is hereby authorized and directed to issue a city check in the amount of \$16,958.92 payable to MFT Construction from budget code Division I – G21600-676000; Division II – G21600-676200-00331; Division III – G21600-676500; Division IV – G21600-676500; Division V-A (City) – G21600-678000; Division V-B (Water Works) – G21600-678000. Project #00331.

ADOPTED

AND

APPROVED: August 25, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk

Council Communication

Department: Community Development Department	Ordinance No. – N/A Resolution <u>08-253</u>	City Council: 8/25/08
Case/Project No. N/A		
Subject/Title		
Resolution approving letter of intent to execute a development agreement by and between the City of Council Bluffs and Continental Iowa Outlets, LLC for the use of urban renewal and other assistance.		
Background/Discussion		
<p>Continental Real Estate Companies has contracts for the acquisition of two parcels of property located west of South 24th Street and north of Interstates 29 and 80 and is proposing the construction of 370,000 sq. ft. of retail space that will be focused on retail outlet stores. In addition to the retail space, the project will create 11 acres of out lots to be sold or leased for restaurants, retail businesses, or lodging and accommodations. In order to make the proposal financially feasible, Continental is requesting City assistance through urban renewal. If the City determines assistance is appropriate, a development agreement will need to be prepared and adopted, along with other actions. Upon the execution of a development agreement, Continental would proceed to acquire the two parcels, prepare the site for development, and cause the construction of the retail center. Upon completion, the project is anticipated to create \$74 million in assessed value.</p> <p>Prior to executing a development agreement with Continental, a variety of actions are required by State law. These include: establishing an urban renewal area; adopting tax increment financing ordinances; public hearings on the sale and development of public property; and public hearings on potential public financing. Although some of these actions have been initiated, staff anticipates the time necessary to complete all actions will be October 30th. Therefore, a Letter of Intent has been drafted to outline the primary elements that will be incorporated into a development agreement. Although the Letter of Intent is non binding, City Council should consider the acceptability of the proposed subsidy levels and other actions contained within the document.</p>		
Recommendation		
Approval of resolution authorizing a letter of intent to execute a development agreement with Continental Iowa Outlets, LLC.		
Prepared by: Donald D. Gross, Director		

6 F

1-80

THOMAS & ASSOCIATES, INC.
ARCHITECTS • ENGINEERS • PLANNERS
10000 W. 10TH AVENUE, SUITE 100
DENVER, COLORADO 80231

CONTINENTAL RETAIL DEVELOPMENT

1-80 & 24TH STREET

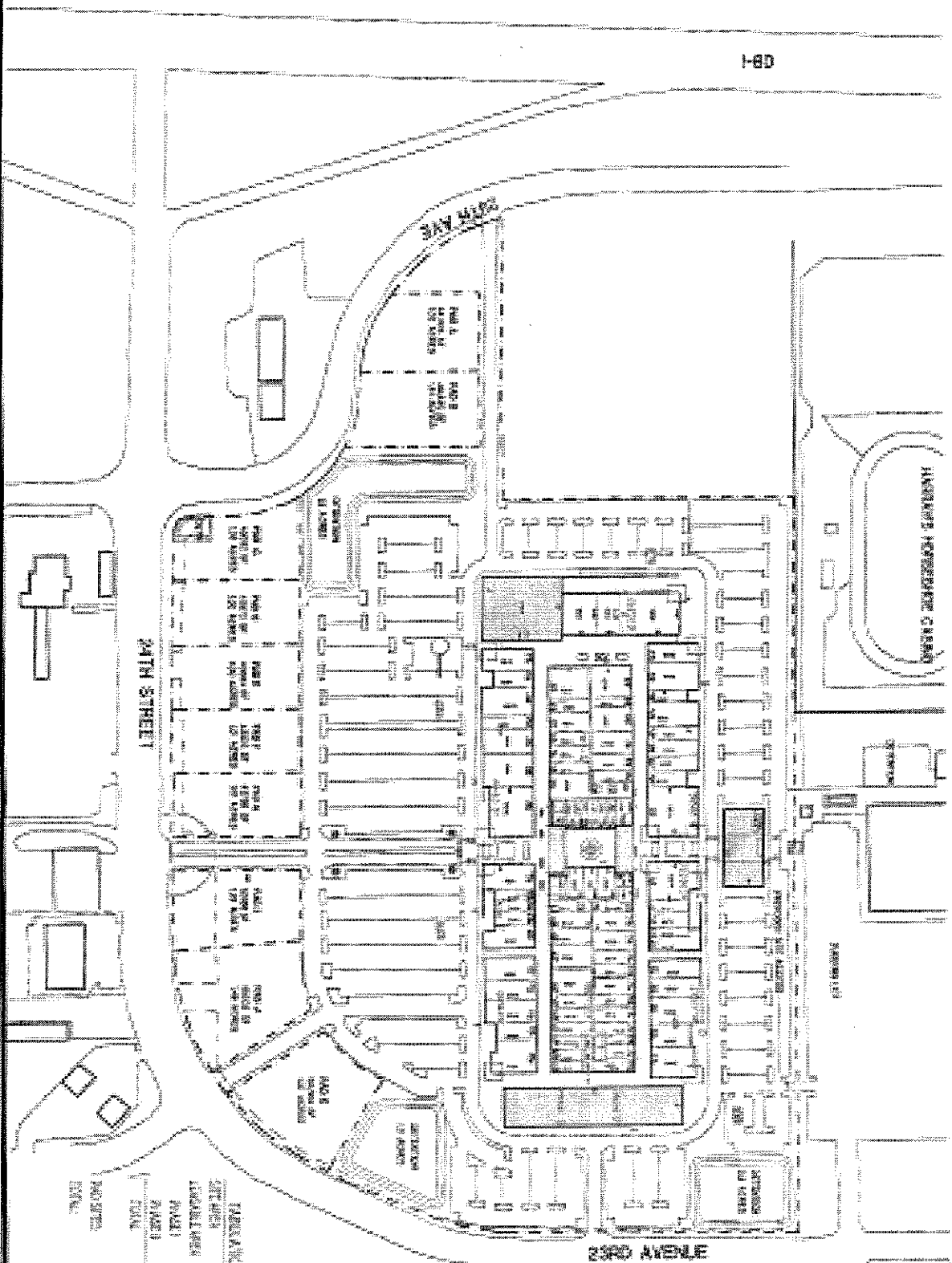
COVINGTON, MISSISSIPPI

1-80 & 24TH STREET DEVELOPMENT

BP-020 EXHIBIT A

1-80 & 24TH STREET DEVELOPMENT

1-80 & 24TH STREET DEVELOPMENT



01 SITE PLAN



TABLE 1: SUMMARY OF DEVELOPMENT	
ITEM	QUANTITY
TOTAL AREA	11,500 SQ. FT.
TOTAL PAVEMENT	11,500 SQ. FT.
TOTAL PAVING	11,500 SQ. FT.
TOTAL PAVING	11,500 SQ. FT.

RESOLUTION NO. 08-253

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A NON-BINDING LETTER OF INTENT TO ENTER A DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF COUNCIL BLUFFS AND CONTINENTAL IOWA OUTLETS, LLC FOR THE USE OF URBAN RENEWAL AND OTHER ASSISTANCE.

WHEREAS, Continental Iowa Outlets, LLC (Developer) has proposed the construction of a retail outlet center approximately 57 acres west of South 24th Street and north of I-29/80; and

WHEREAS, the cost of acquisition and site preparation for the 57 acre site will require the use of urban renewal assistance including the use of tax increment financing to make the project feasible; and

WHEREAS, the City has reviewed Developer's proposal and believes the use of urban renewal assistance may be appropriate; and

WHEREAS, the assistance that is being considered includes the City's issuance of bonded indebtedness, contribution of part of the City's sales tax credit, the purchase of certain property, the sale of certain property and certain public improvements; and

WHEREAS, the use of urban renewal assistance requires a series of legislative actions and processes to be completed prior to entering a formal development agreement; and

WHEREAS, the City and Developer desire to enter a non-binding letter of intent that more specifically outlines the various elements to be included in a development agreement; and

WHEREAS, A non-binding letter of intent has been prepared and submitted for City Council consideration, which letter is attached.

NOW, THEREFORE, BE IT RESOLVED

BY THE

CITY COUNCIL OF

THE CITY OF COUNCIL BLUFFS, IOWA

That the City Council hereby authorizes the Mayor to execute the non-binding letter of intent by and between the City of Council Bluffs and Continental Iowa Outlets, LLC outlining the use of urban renewal and other assistance.

ADOPTED
AND
APPROVED

August 25, 2008

Thomas P. Hanafan Mayor

ATTEST:

Judith Ridgeley City Clerk

Attorney PC/ 589771.1 /MSWord

COUNCIL COMMUNICATION

Department: Public Works
Case/Project No.: FY09-02C-1
Applicant _____

Ordinance No. _____
Resolution No. 08-254

Date: August 25, 2008

SUBJECT/TITLE

Council consideration of a resolution accepting the bid of Eriksen Construction Company, Inc. in the amount of \$365,000.00 for the Digester Cover Repair.

BACKGROUND/DISCUSSION

- On August 19, 2008 bids were received in the City Clerk's office as followed:

Eriksen Construction Company, Inc.	\$365,000.00
Engineer's Estimate	\$300,000.00

- The Council Bluffs Water Pollution Control Plant was built in 1974. Included in the original design were four concrete tanks that treat and stabilize settled solids. These are called anacrobic digesters.
- The floating cover on Primary Digester #1 has some damaged due to the highly corrosive bio-gas. CIP project # FY09-02C-1 would repair the floating cover, apply protective coatings to the steel components, and replace the gas mixing equipment.
- This project will extend its useful service life another 20 years or more.
- Review of the bid and Engineer's Estimate by the consultant revealed the costs used in the estimate for painting and roofing were not representative of today's cost for these items.
- Based on the review of the bid the consultant recommended award of the contract to the bidder.
- This project schedule is for late summer/fall construction.
- Funds in the amount of \$300,000 have been budgeted in the WPCP plant maintenance CIP for this project.

RECOMMENDATION

Approval of this resolution.

66

RESOLUTION
No. 08-254

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO EXECUTE AN AGREEMENT WITH
ERIKSEN CONSTRUCTION COMPANY, INC. FOR THE
DIGESTER COVER REPAIR
FY09-02C-1**

WHEREAS, the plans, specifications, and form of contract for the
Digester Cover Repair are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required
by law, and a public hearing was held on July 28, 2008,
and the plans, specifications and form of contract were
approved; and

WHEREAS, Eriksen Construction Company, Inc. has submitted a low bid in the
amount of \$365,000.00 for this contract.

NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

That the bid of Eriksen Construction Company, Inc. in the amount of \$365,000.00 is hereby accepted as
the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Digester Cover Repair; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement
with Eriksen Construction Company, Inc. for and on behalf of the City of Council Bluffs, upon approval by
the City Attorney of the certificate of insurance and payment and performance bonds as required by the
contract specifications.

ADOPTED
AND
APPROVED August 25, 2008

Thomas P. Hanafan, Mayor

ATTEST:

Judith Ridgeley, City Clerk